

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SALLY RAMIREZ,

Plaintiff,

-against-

CITY OF NEW YORK, S. DEVI JEWRAM, and JOHN and JANE DOE (said names being fictitious, the persons intended being those who aided and abetted the unlawful conduct of the named Defendants),

Defendants.

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**NOTICE OF MOTION TO  
PARTIALLY DISMISS THE  
AMENDED COMPLAINT**

24-CV-1061 (AS)

**PLEASE TAKE NOTICE** that, upon the Declaration of Desiree Alexander dated September 20, 2024, the accompanying Memorandum of Law, and annexed exhibits, and all the papers and proceedings herein, Defendants City of New York and S. Devi Jewram, (collectively, “Defendants”) will move this Court, before the Honorable Arun Subramanian, United States District Judge, Southern District of New York, at 500 Pearl Street, Courtroom 15A, New York, New York, 10007, on a date and time to be designated by the Court, for an order and judgment, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing Plaintiff’s claims of race, national origin, gender, and age discrimination under Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. § 1981(a) (“§1981”), 42 U.S.C. § 1983 (“§1983”), the Age Discrimination in Employment Act of 1967, 29 U.S.C. § 621 et seq. (“ADEA”), the New York State Executive Law § 296, *et seq.* (“NYSHRL”), and the New York City Administrative Code § 8-107, *et seq.* (“NYCHRL”) and her claim of retaliation.

**PLEASE TAKE FURTHER NOTICE** that, in accordance with Federal Rule of Civil Procedure 59(c)2, any opposing affidavit must be served at least seven days before the hearing unless the court permits service at another time.

Dated: New York, New York  
September 20, 2024

**MURIEL GOODE-TRUFANT**  
Acting Corporation Counsel of the  
City of New York  
Attorney for Defendants  
100 Church Street, 2nd Floor  
New York, New York 10007  
(212) 356-3177  
[dealexan@law.nyc.gov](mailto:dealexan@law.nyc.gov)

By: \_\_\_\_\_ /s/  
Desiree Alexander  
Assistant Corporation Counsel

TO: Maduegbuna Cooper LLP (**VIA ECF**)  
*Attorney for Plaintiff*

The partial motion to dismiss is DENIED. In its August 22, 2024 Opinion and Order, the Court instructed Ramirez to "clarify Jewram's role in the promotion process," including "whether Jewram excluded Ramirez from meetings, and the context and frequency of Jewram's alleged statements," as well as "whether she is arguing that Jewram helped Taylor . . . in a manner that was motivated by discrimination or constituted differential treatment towards Ramirez." Dkt. 28 at 6. In her Amended Complaint, *see* Dkt. 29, Ramirez followed these instructions. "To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcraft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). The factual allegations in the Amended Complaint, taken as true for the purposes of this motion to dismiss, sufficiently plead that Jewram was personally involved in the promotion decision and that Ramirez suffered retaliation as a result of her engagement in protected activity.

The Clerk of Court is respectfully directed to terminate the motion at Dkt. 30

SO ORDERED.



Arun Subramanian, U.S.D.J.  
Date: December 19, 2024